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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 EJ MCELROY,

12 Plaintiff,

13 v.

14 S. GATES, *et al.*,

15 Defendants.
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No. 1:21-cv-00053-NONE-EPG (PC)

ORDER DISMISSING ACTION DUE TO
PLAINTIFF'S FAILURE TO COMPLY WITH
A COURT ORDER AND FAILURE TO PAY
FILING FEE

(Doc. No. 6).

17 Plaintiff EJ McElroy is a state prisoner proceeding *pro se* and *in forma pauperis* in this
18 civil rights action pursuant to 42 U.S.C. § 1983. This matter was referred to a United States
19 Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

20 On January 15, 2021, the assigned magistrate judge issued findings and recommendations
21 recommending that plaintiff be required to pay the \$402 filing fee because he has previously
22 suffered three strike dismissals of civil actions rendering him ineligible to proceed *in forma*
23 *pauperis*. (Doc. No. 3.) On March 29, 2021, the undersigned adopted those findings and
24 recommendations, denied plaintiff's subsequently filed motion to proceed *in forma pauperis*, and
25 ordered plaintiff to pay the filing fee in full within thirty (30) days. (Doc. No. 6.) Plaintiff was
26 cautioned that it was necessary to pay the required filing fee within the specified time should he
27 desire to proceed with this action. (*Id.* at 2.)

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1 Plaintiff has not paid the required filing fee and the deadline to pay the required filing fee
2 has now passed.

3 Accordingly,

- 4 1. This action is dismissed without prejudice due to plaintiff's failure to obey a court
5 order and to pay the required filing fee; and
- 6 2. The Clerk of the Court is directed to close this case.

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8 IT IS SO ORDERED.

9 Dated: May 27, 2021


UNITED STATES DISTRICT JUDGE